

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JULIO CASTILLA,

Plaintiffs,

v.

RONALD VAN BOENING, et al.,

Defendants.

Case No. C10-5684 RJB/JRC

ORDER ON REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura (Dkt. 25), objections to the Report and Recommendation (Dkt. 27), and the remaining record, does hereby find and **ORDER**:

1. The record does not show that defendant Rick Minich has been served. An order of default is therefore not warranted. The Court **ADOPTS** the Report and Recommendation insofar as the magistrate judge recommended that the motion for default be denied. Plaintiff's motion for default is **DENIED**.
2. It is unclear from the record whether plaintiff provided a current address and the appropriate forms necessary for the U.S. Marshal to effectuate service on Mr. Minich. On March 23, 2011, plaintiff filed a motion requesting additional time to serve defendants who have not been properly served. Dkt. 28. The issues regarding service, including service on Mr. Minich, should be determined by the magistrate judge.

